

REMARKS

Claims 1-15 are pending and stand rejected. Claim 1 is an independent claim.

Figure 3 stands objected-to under 37 C.F.R. 1.121(d) as allegedly being unclear.

In response, the Applicant provides a new FIG. 3 in the replacement sheet. The Applicant respectfully requests withdrawal of the objection.

Claims 1 and 14 stand rejected under 35 U.S.C. §102(e), as allegedly being anticipated by Barker (USP no. 5,555,335).

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims. However, independent claim 1 has been amended to recite that the outer circumferential surface surrounding the inner space defines an outer diameter of said cable and includes a plurality of unfilled recesses formed into the outer circumferential surface.

Barker describes an optical fiber that includes a plurality of microspheres that are embedded into the outer layer (see Figures 1-3). The microspheres extend the outer circumference of the cable by at least the size of the microspheres, assuming that the microspheres are embedded into half-way into the outer layer.

Baker further teaches that the microspheres may be fully embedded into the outer layer. In this case, applicant believes that the areas containing the fully-embedded microspheres are considered a recess by the Examiner. However, contrary to subject matter recited in claim 1, these areas are filled by the fully-embedded microspheres.

A claim is anticipated only if a single reference sets forth each and every feature recited in the claim (*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

Barker fails to anticipate the subject matter recited in claim 1, because Barker fails to disclose that the outer circumference defines the outer dimension of the cable or that the recesses in the outer layer are unfilled.

For at least the above reasons, applicant submits that the rejection has been overcome and respectfully requests withdrawal of the rejection.

With regard to the remaining claims as being unpatentable under 35 U.S.C. § 103 over the primary reference, Barker, and the other cited references, these claims depend from claim 1 and applicant respectfully traverse the rejection of all the remaining dependent claims.

As shown above Barker fails to teach all the elements recited in claim 1 and none of the references provide any teaching to correct the deficiency found in Barker.

In order to establish a *prima facie* case of obviousness, three basic criteria must be met, 1. there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the reference teachings, 2. there must be a reasonable expectation of success; and 3. the prior art reference must teach or suggest all the claim limitations.

In this case, a *prima facie* case has not been made as each of the elements recited in the dependent claims is not disclosed by the combination of the primary reference and any of the cited references.

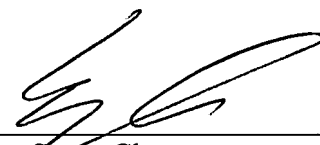
Accordingly, for the amendments made to claim 1, the rejection of all the dependent claims has been overcome and applicant respectfully request the rejections be withdrawn.

Should the Examiner deem that there are any issues which may be best resolved by telephone, please contact Applicant's undersigned representative at the number listed below.

Amendment
Serial No. 10/824,302

For the amendments made to the claims and the arguments above, applicant respectfully requests that the rejection be withdrawn and a Notice of Allowance be issued.

Respectfully submitted,


By: Steve Cha
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Registration No. 44,069

Date: 9/4/07

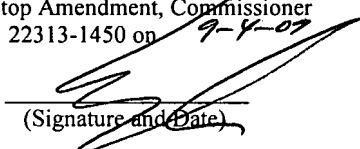
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(Signature and Date)